IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 313 OF 2007
IN
TRUST PETITION NO.3 OF 2004

Mrs Savitri Biharilal Nagpal & ors.. Plaintiffs

vs

Mrs Kalavantibai Bhagwandas Nagpal.. Defendants
& ors.

Mr.D.S.Parikh with Mr.S.N.Vaishnawa
i.b N.N.Vaishnawa for Petitioner
Mr.Pesi Modi i/b N.C.Dalal & Co for Respondent nos.
1 & 2.

Mr.Cyrus Ardeshir with Ms Jyoti Tanksale for
Respondent no.3

CORAM : A.M.KHANWILKAR, J

DATE : 29th March, 2007

P.C.

1. Although respondent nos. 1 and 2 have kept the reply affidavit to oppose this Chamber Summons ready, counsel for the respondents fairly submits that the Court may allow the present Chamber Summons without prejudice to the rights and contentions of the parties on merits of the case. Even counsel for other respondents have supported this plea. Accordingly, by consent, Chamber Summons is made absolute in terms of prayer clauses (a) and (b). Amendment be carried out within 1 week from today failing which Trust Petition to stand dismissed for non prosecution without further reference to court.

2. Counsel for the respondent nos. 1 and 2 have invited my attention to document Exhibit 2 at page 13 which document according to the petitioner is wrongly filed alongwith the affidavit. The petitioner seeks leave to replace the document and place correct copy thereof on record. Leave to replace Exhibit Z with correct document. That however, will not affect rights and contentions of the respondents in relation to the claim of the petitioner founded on that document. Those questions shall be decided at appropriate stage.

3. If amendments are carried out in time, respondents may file reply if any on or before 12th April, 2007. Rejoinder if any on or before 17th April, 2007. Pleadings to be filed in the registry well within time.

4. Place the Trust petition on 21st April, 2007 under appropriate caption as per its turn.

(A.M.Khanwilkar, J)